

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

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Bill No. HB 1681

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

Council/Committee hearing bill: State Infrastructure Council 1

Representative(s) Sansom offered the following: 2

3

Amendment #2 (with title amendments) 4

Between line(s) 580 & 581 insert: 5

6

Section 10. Part IV of chapter 343, Florida Statutes, 7
consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83, 8
343.835, 343.836, 343.837, 343.84, 343.85, 343.87, 343.875, 9
343.88, 343.881, 343.884, 343.885, and 343.89, is created to 10
read: 11

Part IV 12

Northwest Florida Transportation Corridor Authority 13

343.80 Short title. -- This part shall be known and may be 14
cited as the "Northwest Florida Transportation Corridor 15
Authority Law." 16

343.805 Definitions. -- The following terms, whenever 17
used or referred to in this law, shall have the following 18
meanings, except in those instances where the context clearly 19
indicates otherwise: 20

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(1) "Agency of the state" means and includes the state and 21
any department of, or corporation, agency, or instrumentality 22
heretofore or hereafter created, designated, or established by, 23
the state. 24

(2) "Authority" means the body politic and corporate, and 25
agency of the state created by this part. 26

(3) The term "bonds" means and includes the notes, bonds, 27
refunding bonds, or other evidences of indebtedness or 28
obligations, in either temporary or definitive form, which the 29
authority is authorized to issue pursuant to this part. 30

(4) The term "department" means the Department of 31
Transportation existing under chapters 334-339. 32

(5) The term "expressway" is the same as limited access 33
expressway. 34

(6) The term "federal agency" means and includes the 35
United States, the President of the United States, and any 36
department of, or corporation, agency, or instrumentality 37
heretofore or hereafter created, designated, or established by, 38
the United States. 39

(7) The term "lease-purchase agreement" means the lease- 40
purchase agreements which the authority is authorized pursuant 41
to this part to enter into with the Department of 42
Transportation. 43

(8) The term "limited access expressway" means a street or 44

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highway especially designed for through traffic, and over, from, 45
or to which, no person shall have the right of easement, use, or 46
access except in accordance with the rules and regulations 47
promulgated and established by the authority for the use of such 48
facility. Such highways or streets may be parkways, from which 49
trucks, buses, and other commercial vehicles shall be excluded, 50

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or they may be freeways open to use by all customary forms of 51
street and highway traffic. 52

(9) "Members" means the governing body of the authority, 53
and the term "member" means one of the individuals constituting 54
such governing body. 55

(10) "State Board of Administration" means the body 56
corporate existing under the provisions of s. 9, Art. XII of the 57
State Constitution, or any successor thereto. 58

(11) "U.S. 98 Corridor" means U.S. Highway 98, and any 59
feeder roads, reliever roads, connector roads, bridges and other 60
transportation appurtenances, existing or constructed in the 61
future, that support U.S. Highway 98 in Escambia, Santa Rosa, 62
Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla counties. 63

(12) The term "U.S. 98 Corridor System" means any and all 64
expressways and appurtenant facilities, including, but not 65
limited to, all approaches, roads, bridges, and avenues of 66
access for the expressways that are either built by the 67
authority or whose ownership is transferred to the authority by 68
other governmental or private entities. 69

70

Words importing singular number include the plural number in 71
each case and vice versa, and words importing persons include 72
firms and corporations. 73

343.81 Northwest Florida Transportation Corridor 74

Authority. -- 75

(1) There is hereby created and established a body politic 76
and corporate, an agency of the state, to be known as the 77
Northwest Florida Transportation Corridor Authority, hereinafter 78
referred to as "the authority." 79

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(2) (a) The governing body of the authority shall consist 80
of eight voting members, one each from Escambia, Santa Rosa, 81
Walton, Okaloosa, Bay, Gulf, Franklin and Wakulla counties, 82
appointed by the Governor to 4-year terms. The appointees shall 83
be residents of their respective counties. Upon the effective 84
date of his or her appointment, or as soon thereafter as 85
practicable, each appointed member of the authority shall enter 86
upon his or her duties. Each appointed member shall hold office 87
until his or her successor has been appointed and has qualified. 88
A vacancy occurring during a term shall be filled only for the 89
balance of the unexpired term. Any member of the authority shall 90
be eligible for reappointment. Members of the authority may be 91
removed from their office by the Governor for misconduct, 92
malfeasance, misfeasance, or nonfeasance in office. 93

(b) The district secretary of the Florida Department of 94
Transportation serving Northwest Florida shall serve as an ex- 95

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officio, non-voting member. 96

(3)(a) The authority shall elect one of its members as the 97
chair, and shall also elect a secretary and a treasurer who may 98
or may not be members of the authority. The chair, secretary, 99
and treasurer shall hold such offices at the will of the 100
authority. 101

(b) Five members of the authority shall constitute a 102
quorum, and the vote of at least five members shall be necessary 103
for any action taken by the authority. No vacancy in the 104
authority shall impair the right of a quorum of the authority to 105
exercise all of the rights and perform all of the duties of the 106
authority. 107

(c) The authority shall meet at least quarterly, but may 108
meet more frequently upon the call of the chair. The authority 109

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should alternate the locations of its meetings among the seven 110
counties. 111

(4) Members of the authority shall serve without 112
compensation, but shall be entitled to receive from the 113
authority their travel and per diem incurred in connection with 114
the business of the authority, as provided in s. 112.061. 115

(5) The authority may employ an executive director, an 116
executive secretary, its own counsel and legal staff, technical 117
experts, engineers, and such employees, permanent or temporary, 118
as it may require. The authority shall determine the 119
qualifications and fix the compensation of such persons, firms, 120
or corporations, and may employ a fiscal agent or agents, 121
provided, however, that the authority shall solicit sealed 122
proposals from at least three persons, firms, or corporations 123
for the performance of any services as fiscal agents. The 124
authority may delegate to one or more of its agents or employees 125
such of its power as it shall deem necessary to carry out the 126
purposes of this part, subject always to the supervision and 127
control of the authority. 128

(6) The authority may establish technical advisory 129
committees to provide guidance and advice on corridor-related 130
issues. The authority shall establish the size, composition, and 131
focus of any technical advisory committee created. A member 132
appointed to a technical advisory committee shall serve without 133
compensation but shall be entitled to per diem or travel 134
expenses, as provided in s. 112.061. 135

343.82 Purposes and powers. -- 136

(1) The primary purpose of the authority shall be to 137
improve mobility on the U.S. 98 corridor in Northwest Florida to 138
enhance travelers' safety, identify and develop hurricane 139

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evacuation routes, promote economic development along the 140
corridor, and implement transportation projects to alleviate 141
current or anticipated traffic congestion. 142

(2) The authority is authorized to construct any feeder 143
roads, reliever roads, connector roads, bypasses, or appurtenant 144
facilities that are intended to improve mobility along the U.S. 145
98 corridor. The transportation improvement projects may also 146

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include all necessary approaches, roads, bridges, and avenues of 147
access, that shall be deemed desirable and proper with the 148
concurrence, where applicable, of the department if the project 149
is to be part of the State Highway System, or the respective 150
county or municipal governing boards. Any transportation 151
facilities constructed by the authority may be tolled. 152
(3) (a) The authority shall develop and adopt a corridor 153
master plan no later than July 1, 2007. The goals and objectives 154
of the master plan are to: identify areas of the corridor where 155
mobility, traffic safety, and efficient hurricane evacuation 156
needs to be improved; evaluate the economic development 157
potential of the corridor and consider strategies to develop 158
that potential; develop methods of building partnerships with 159
local governments, other state and federal entities, the 160
private-sector business community, and the public in support of 161
corridor improvements; and to identify projects that will 162
accomplish these goals and objectives. 163
(b) After its adoption, the master plan shall be 164
updated annually, by July 1 of each year. 165
(c) The authority shall present the original master 166
plan and updates to the governing bodies of the counties within 167
the corridor and to the legislative delegation members 168
representing those counties within 90 days of adoption. 169

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(d) The authority may undertake projects or other 170
improvements in the master plan in phases as particular projects 171
or segments thereof become feasible, as determined by the 172
authority. In carrying out its purposes and powers, the 173
authority may request funding and technical assistance from the 174
department and appropriate federal and local agencies, including 175
but not limited to state infrastructure bank loans, advances 176
from the Toll Facilities Revolving Trust Fund, and any other 177
sources. 178

(4) The authority also is granted, and shall have and may 179
exercise all powers necessary, appurtenant, convenient or 180
incidental to the carrying out of the aforesaid purposes, 181
including, but without being limited to, the following rights 182
and powers: 183

(a) Acquire, hold, construct, improve, maintain, operate, 184
own and lease in the capacity of lessor, transportation 185
facilities within the U.S. 98 corridor. 186

(b) To borrow money, make and issue negotiable notes, 187
bonds, refunding bonds, and other evidences of indebtedness or 188
obligations, either in temporary or definitive form, hereinafter 189
in this chapter sometimes called "revenue bonds" of the 190
authority, for the purpose of financing all or part of the 191
mobility improvements within the U.S. 98 corridor. as well as 192
the appurtenant facilities, including all approaches, streets, 193
roads, bridges and avenues of access authorized by this part. 194
The bonds shall mature not exceeding 40 years from the date of 195
the issuance thereof, and to secure the payment of such bonds or 196
any part thereof by a pledge of any or all of its revenues, 197
rates, fees, rentals or other charges. 198

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(c) To fix, alter, charge, establish and collect tolls, 199 rates, fees, rentals, and other charges for the services and 200 facilities of the Northwest Florida Transportation Corridor 201 System, which rates, fees, rentals and other charges shall 202 always be sufficient to comply with any covenants made with the 203 holders of any bonds issued pursuant to this part; provided, 204 however, that such right and power may be assigned or delegated, 205 by the authority, to the department. The authority shall not 206 impose tolls or other charges on existing highways and other 207 transportation facilities within the corridor. 208

(d) To acquire by donation or otherwise, purchase, hold, 209 lease as lessee and use any franchise, property, real, personal 210 or mixed, tangible or intangible, or any options thereof in its 211 own name or in conjunction with others, or interest therein, 212 necessary or desirable for carrying out the purposes of the 213 authority, and to sell, lease as lessor, transfer and dispose of 214 any property or interest therein at any time acquired by it. 215

(e) To sue and be sued, implead and be impleaded, complain 216 and defend in all courts. 217

(f) To adopt, use and alter at will a corporate seal. 218

(g) To enter into and make leases. 219

(h) To enter into and make lease-purchase agreements with 220 the department for terms not exceeding 40 years, or until any 221 bonds secured by a pledge of rentals thereunder, and any 222 refundings thereof, are fully paid as to both principal and 223 interest, whichever is longer. 224

(i) To make contracts of every name and nature, including, 225 but not limited to, partnerships providing for participation in 226 ownership and revenues, and to execute all instruments necessary 227 or convenient for the carrying on of its business. 228

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(j) Without limitation of the foregoing, to borrow money 229 and accept grants from, and to enter into contracts, leases or 230 other transactions with any federal agency, the state, any 231 agency of the state, or with any other public body of the state. 232

(k) To have the power of eminent domain, including the 233 procedural powers granted under both chapters 73 and 74. 234

(l) To pledge, hypothecate or otherwise encumber all or 235 any part of the revenues, rates, fees, rentals or other charges 236 or receipts of the authority. 237

(m) To enter into partnership and other agreements 238 respecting ownership and revenue participation in order to 239 facilitate financing and constructing any project, or portions 240 thereof. 241

(n) To participate agreements with private entities and to 242 receive private contributions. 243

(o) To contract with the department or with a private 244 entity for the operation of traditional and electronic toll- 245 collection facilities along the U.S. 98 corridor. 246

(p) To do all acts and things necessary or convenient for 247 the conduct of its business and the general welfare of the 248 authority, in order to carry out the powers granted to it by 249 this part or any other law. 250

(q) The authority shall have the right to construct, 251 operate, and maintain roads, bridges, avenues of access, 252 thoroughfares, and boulevards, together with the right to 253 construct, repair, replace, operate, install, and maintain 254

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electronic toll payment systems thereon, with all necessary and 255
incidental powers to accomplish the foregoing. 256
(5) The authority shall have no power at any time or in 257
any manner to pledge the credit or taxing power of the state or 258

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any political subdivision or agency thereof, nor shall any of 259
the authority's obligations be deemed to be obligations of the 260
state or of any political subdivision or agency thereof, nor 261
shall the state or any political subdivision or agency thereof, 262
except the authority, be liable for the payment of the principal 263
of or interest on such obligations. 264

343.83 Improvements, bond financing authority for. -- 265

Pursuant to s. 11(f), Art. VII of the State Constitution, the 266
Legislature hereby approves for bond financing by the Northwest 267
Florida Corridor Authority improvements to toll collection 268
facilities, interchanges to the legislatively approved system, 269
and any other facility appurtenant, necessary, or incidental to 270
the approved system. Subject to terms and conditions of 271
applicable revenue bond resolutions and covenants, such costs 272
may be financed in whole or in part by revenue bonds issued 273
pursuant to s. 343.835(1)(a) or (b) whether currently issued or 274
issued in the future, or by a combination of such bonds. 275

343.835 Bonds of the authority-- 276

(1)(a) Bonds may be issued on behalf of the authority 277

pursuant to the State Bond Act. 278

(b) Alternatively, the authority may issue its own bonds 279
pursuant to this part at such times and in such principal amount 280
as, in the opinion of the authority, is necessary to provide 281
sufficient moneys for achieving its purposes; however, such 282
bonds may not pledge the full faith and credit of the state. 283
Bonds issued by the authority pursuant to this paragraph or 284
paragraph (a), whether on original issuance or on refunding, 285
shall be authorized by resolution of the members thereof and may 286
be either term or serial bonds, shall bear such date or dates, 287
mature at such time or times, not exceeding 40 years from their 288

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respective dates, bear interest at such rate or rates, payable 289
semiannually, be in such denominations, be in such form, either 290
coupon or fully registered, shall carry such registration, 291
exchangeability and interchangeability privileges, be payable in 292
such medium of payment and at such place or places, be subject 293
to such terms of redemption and be entitled to such priorities 294
on the revenues, rates, fees, rentals or other charges or 295
receipts of the authority, including revenues from lease- 296
purchase agreements. The bonds shall be executed either by 297
manual or facsimile signature by such officers as the authority 298
shall determine, provided that such bonds shall bear at least 299
one signature which is manually executed thereon, and the 300
coupons attached to such bonds shall bear the facsimile 301
signature or signatures of such officer or officers as shall be 302
designated by the authority and shall have the seal of the 303
authority affixed, imprinted, reproduced or lithographed 304
thereon, all as may be prescribed in such resolution or 305

resolutions. 306

(c) Bonds issued pursuant to paragraph (a) or paragraph 307
(b) shall be sold at public sale in the same manner provided by 308
the State Bond Act. However, if the authority shall, by official 309
action at a public meeting, determine that a negotiated sale of 310
such bonds is in the best interest of the authority, the 311
authority may negotiate the sale of such bonds with the 312
underwriter designated by the authority and the Division of Bond 313
Finance of the State Board of Administration with respect to 314
bonds issued pursuant to paragraph (a) or solely the authority 315
with respect to bonds issued pursuant to paragraph (b). The 316
authority's determination to negotiate the sale of such bonds 317
may be based, in part, upon the written advice of the 318

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authority's financial adviser. Pending the preparation of 319
definitive bonds, interim certificates may be issued to the 320
purchaser or purchasers of such bonds and may contain such terms 321
and conditions as the authority may determine. 322

(d) The authority may issue bonds pursuant to paragraph 323
(b) to refund any bonds previously issued regardless of whether 324
the bonds being refunded were issued by the authority pursuant 325
to this chapter or on behalf of the authority pursuant to the 326
State Bond Act. 327

(2) Any such resolution or resolutions authorizing any 328
bonds hereunder may contain provisions which shall be part of 329
the contract with the holders of such bonds, as to: 330

(a) The pledging of all or any part of the revenues, 331
rates, fees, rentals, or other charges or receipts of the 332
authority, derived by the authority for the U.S. 98 corridor 333
improvements. 334

(b) The completion, improvement, operation, extension, 335
maintenance, repair, lease or lease-purchase agreement of the 336
system, and the duties of the authority and others, including 337
the department, with reference thereto. 338

(c) Limitations on the purposes to which the proceeds of 339
the bonds, then or thereafter to be issued, or of any loan or 340
grant by the United States or the state may be applied. 341

(d) The fixing, charging, establishing and collecting of 342
rates, fees, rentals or other charges for use of the services 343
and facilities constructed by the authority. 344

(e) The setting aside of reserves or sinking funds or 345
repair and replacement funds and the regulation and disposition 346
thereof. 347

(f) Limitations on the issuance of additional bonds. 348

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(g) The terms and provisions of any lease-purchase 349
agreement, deed of trust or indenture securing the bonds, or 350
under which the same may be issued. 351

(h) Any other or additional agreements with the holders of 352
the bonds which the authority may deem desirable and proper. 353

(3) The authority may employ fiscal agents as provided by 354
this part or the State Board of Administration of Florida may 355
upon request of the authority act as fiscal agent for the 356

authority in the issuance of any bonds which may be issued 357
pursuant to this part, and the State Board of Administration may 358
upon request of the authority take over the management, control, 359
administration, custody and payment of any or all debt services 360
or funds or assets now or hereafter available for any bonds 361
issued pursuant to this part. The authority may enter into any 362
deeds of trust, indentures or other agreements with its fiscal 363
agent, or with any bank or trust company within or without the 364
state, as security for such bonds, and may, under such 365
agreements, sign and pledge all or any of the revenues, rates, 366
fees, rentals or other charges or receipts of the authority. 367
Such deed of trust, indenture or other agreement may contain 368
such provisions as are customary in such instruments, or, as the 369
authority may authorize, including but without limitation, 370
provisions as to: 371

(a) The completion, improvement, operation, extension, 372
maintenance, repair and lease of, or lease-purchase agreement 373
relating to U.S. 98 corridor improvements, and the duties of the 374
authority and others including the department, with reference 375
thereto. 376

(b) The application of funds and the safeguarding of funds 377
on hand or on deposit. 378

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(c) The rights and remedies of the trustee and the holders 379
of the bonds. 380

(d) The terms and provisions of the bonds or the 381
resolutions authorizing the issuance of same. 382

(4) Any of the bonds issued pursuant to this part are, and 383
are hereby declared to be, negotiable instruments, and shall 384
have all the qualities and incidents of negotiable instruments 385
under the law merchant and the negotiable instruments law of the 386
state. 387

(5) Notwithstanding any of the provisions of this part, 388
each project, building, or facility which has been financed by 389
the issuance of bonds or other evidence of indebtedness under 390
this part and any refinancing thereof is hereby approved as 391
provided for in s. 11(f), Art. VII of the State Constitution. 392
343.836 Remedies of the bondholders. -- 393

(1) The rights and the remedies herein conferred upon or 394
granted to the bondholders shall be in addition to and not in 395
limitation of any rights and remedies lawfully granted to such 396
bondholders by the resolution or resolutions providing for the 397
issuance of bonds, or by a lease-purchase agreement, deed of 398
trust, indenture or other agreement under which the bonds may be 399
issued or secured. In the event that the authority shall default 400
in the payment of the principal of or interest on any of the 401
bonds issued pursuant to the provisions of this part after such 402
principal of or interest on the bonds shall have become due, 403
whether at maturity or upon call for redemption, or the 404
department shall default in any payments under, or covenants 405
made in, any lease-purchase agreement between the authority and 406
the department, and such default shall continue for a period of 407
30 days, or in the event that the authority or the department 408

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shall fail or refuse to comply with the provisions of this part 409 or any agreement made with, or for the benefit of, the holders 410 of the bonds, the holders of 25 percent in aggregate principal 411 amount of the bonds then outstanding shall be entitled as of 412 right to the appointment of a trustee to represent such 413 bondholders for the purposes hereof; provided, however, that 414 such holders of 25 percent in aggregate principal amount of the 415 bonds then outstanding shall have first given notice of their 416 intention to appoint a trustee, to the authority and to the 417 department. Such notice shall be deemed to have been given if 418 given in writing, and deposited in a securely sealed postpaid 419 wrapper, mailed at a regularly maintained United States post 420 office box or station and addressed, respectively, to the chair 421 of the authority and to the secretary of the department at the 422 principal office of the department. 423

(2) Such trustee, and any trustee under any deed of trust, 424 indenture or other agreement, may, and upon written request of 425 the holders of 25 percent, or such other percentages as may be 426 specified in any deed of trust, indenture or other agreement 427 aforesaid, in principal amount of the bonds then outstanding, 428 shall, in any court of competent jurisdiction, in his, her, or 429 its own name: 430

(a) By mandamus or other suit, action or proceeding at 431 law, or in equity, enforce all rights of the bondholders, 432 including the right to require the authority to fix, establish, 433 maintain, collect and charge rates, fees, rentals, and other 434 charges, adequate to carry out any agreement as to, or pledge 435 of, the revenues or receipts of the authority to carry out any 436 other covenants and agreements with or for the benefit of the 437

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bondholders, and to perform its and their duties under this 438 part. 439

(b) By mandamus or other suit, action or proceeding at 440 law, or in equity, enforce all rights of the bondholders under 441 or pursuant to any lease-purchase agreement between the 442 authority and the department, including the right to require the 443 department to make all rental payments required to be made by it 444 under the provisions of any such lease-purchase agreement, to 445 require the department to carry out any other covenants and 446 agreements with or for the benefit of the bondholders, and to 447 perform its and their duties under this part. 448

(c) Bring suit upon the bonds. 449

(d) By action or suit in equity require the authority or 450 the department to account as if it were the trustee of an 451 express trust for the bondholders. 452

(e) By action or suit in equity enjoin any acts or things 453 which may be unlawful or in violation of the rights of the 454 bondholders. 455

(3) Any trustee when appointed as aforesaid, or acting 456 under a deed of trust, indenture or other agreement, and whether 457 or not all bonds have been declared due and payable, shall be 458 entitled as of right to the appointment of a receiver, who may 459 enter upon and take possession of the System or the facilities 460 or any part or parts thereof, the rates, fees, rentals, or other 461 revenues, charges or receipts from which are, or may be, 462 applicable to the payment of the bonds so in default, and 463 subject to and in compliance with the provisions of any lease- 464

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purchase agreement between the authority and the department 465
operate and maintain the same, for and on behalf of and in the 466
name of, the authority, the department and the bondholders, and 467

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collect and receive all rates, fees, rentals, and other charges 468
or receipts or revenues arising therefrom in the same manner as 469
the authority or the department might do, and shall deposit all 470
such moneys in a separate account and apply the same in such 471
manner as the court shall direct. In any suit, action or 472
proceeding by the trustee, the fees, counsel fees, and expenses 473
of the trustee, and said receiver, if any, and all costs and 474
disbursements allowed by the court shall be a first charge on 475
any rates, fees, rentals, or other charges, revenues or 476
receipts, derived from the System, or the facilities or services 477
or any part or parts thereof, including payments under any such 478
lease-purchase agreement as aforesaid which said rates, fees, 479
rentals, or other charges, revenues or receipts shall or may be 480
applicable to the payment of the bonds so in default. Such 481
trustee shall, in addition to the foregoing, have and possess 482
all of the powers necessary or appropriate for the exercise of 483
any functions specifically set forth herein or incident to the 484
representation of the bondholders in the enforcement and 485
protection of their rights. 486

(4) Nothing in this section or any other section of this 487
part shall authorize any receiver appointed pursuant hereto for 488
the purpose, subject to and in compliance with the provisions of 489
any lease-purchase agreement between the authority and the 490
department, of operating and maintaining the System or any 491
facilities or part or parts thereof, to sell, assign, mortgage 492
or otherwise dispose of any of the assets of whatever kind and 493
character belonging to the authority. It is the intention of 494
this part to limit the powers of such receiver, subject to and 495
in compliance with the provisions of any lease-purchase 496
agreement between the authority and the department, to the 497

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operation and maintenance of the System, or any facility, or 498
part or parts thereof, as the court may direct, in the name and 499
for and on behalf of the authority, the department and the 500
bondholders, and no holder of bonds on the authority nor any 501
trustee, shall ever have the right in any suit, action or 502
proceeding at law or in equity, to compel a receiver, nor shall 503
any receiver be authorized or any court be empowered to direct 504
the receiver to sell, assign, mortgage or otherwise dispose of 505
any assets of whatever kind or character belonging to the 506
authority. 507

343.837 Lease-purchase agreement. -- 508

(1) In order to effectuate the purposes of this part and 509
as authorized by this part, the authority may enter into a 510
lease-purchase agreement with the department relating to and 511
covering the U. S. 98 Corridor System. 512

(2) Such lease-purchase agreement shall provide for the 513
leasing of the System, by the authority, as lessor, to the 514
department, as lessee, shall prescribe the term of such lease 515

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and the rentals to be paid thereunder and shall provide that 516
upon the completion of the faithful performance thereunder and 517
the termination of such lease-purchase agreement, title in fee 518
simple absolute to the System as then constituted shall be 519
transferred in accordance with law by the authority, to the 520
state and the authority shall deliver to the department such 521
deeds and conveyances as shall be necessary or convenient to 522
vest title in fee simple absolute in the state. 523
(3) Such lease-purchase agreement may include such other 524
provisions, agreements and covenants as the authority and the 525
department deem advisable or required, including, but not 526
limited to, provisions as to the bonds to be issued under, and 527

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for the purposes of, this part, the completion, extension, 528
improvement, operation and maintenance of the System and the 529
expenses and the cost of operation of said authority, the 530
charging and collection of tolls, rates, fees, and other charges 531
for the use of the services and facilities thereof, the 532
application of federal or state grants or aid which may be made 533
or given to assist the authority in the completion, extension, 534
improvement, operation and maintenance of the System. 535

(4) The department as lessee under such lease-purchase 536
agreement, is hereby authorized to pay as rentals thereunder any 537
rates, fees, charges, funds, moneys, receipts or income accruing 538
to the department from the operation of the System and may also 539
pay as rentals any appropriations received by the department 540
pursuant to any act of the Legislature of the state heretofore 541
or hereafter enacted; provided, however, that nothing herein nor 542
in such lease-purchase agreement is intended to nor shall this 543
part or such lease-purchase agreement require the making or 544
continuance of such appropriations, nor shall any holder of 545
bonds issued pursuant to this part ever have any right to compel 546
the making or continuance of such appropriations. 547

(5) The department shall have power to covenant in any 548
lease-purchase agreement that it will pay all or any part of the 549
cost of the operation, maintenance, repair, renewal and 550
replacement of said system, and any part of the cost of 551
completing said system to the extent that the proceeds of bonds 552
issued therefore are insufficient, from sources other than the 553
revenues derived from the operation of the System. 554

(6) The U.S 98 Corridor System shall be a part of the 555
State Highway System as defined in s. 334.03, and the department 556
may, upon the request of the authority, expend out of any funds 557

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available for that purpose, and use such of its engineering and 558
other forces, as may be necessary and desirable in the judgment 559
of the department, for the operation of the authority and for 560
traffic surveys, borings, surveys, preparation of plans and 561
specifications, estimates of cost and other preliminary 562
engineering and other studies. 563

343.84 Department may be appointed agent of authority for 564
construction. -- The department may be appointed by said 565
authority as its agent for the purpose of constructing 566

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improvements and extensions to the System and for the completion 567
thereof. In such event, the authority shall provide the 568
department with complete copies of all documents, agreements, 569
resolutions, contracts and instruments relating thereto and 570
shall request the department to do such construction work 571
including the planning, surveying and actual construction of the 572
completion, extensions, and improvements to the System and shall 573
transfer to the credit of an account of the department in the 574
treasury of the state the necessary funds therefore and the 575
department shall thereupon be authorized, empowered and directed 576
to proceed with such construction and to use the said funds for 577
such purpose in the same manner that it is now authorized to use 578
the funds otherwise provided by law for its use in construction 579
of roads and bridges. 580

343.85 Acquisition of lands and property. -- 581

(1) For the purposes of this part, the Northwest Florida 582
Corridor Authority may acquire private or public property and 583
property rights, including rights of access, air, view, and 584
light, by gift, devise, purchase, or condemnation by eminent 585
domain proceedings, as the authority may deem necessary for any 586
of the purposes of this part, including, but not limited to, any 587

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lands reasonably necessary for securing applicable permits, 588
areas necessary for management of access, borrow pits, drainage 589
ditches, water retention areas, rest areas, replacement access 590
for landowners whose access is impaired due to the construction 591
of a facility, and replacement rights-of-way for relocated rail 592
and utility facilities; for existing, proposed, or anticipated 593
transportation facilities within the U.S. 98 transportation 594
corridor designated by the authority; or for the purposes of 595
screening, relocation, removal, or disposal of junkyards and 596
scrap metal processing facilities. The authority shall also have 597
the power to condemn any material and property necessary for 598
such purposes. 599

(2) The right of eminent domain herein conferred shall be 600
exercised by the authority in the manner provided by law. 601

(3) When the authority acquires property for a 602
transportation facility or in a transportation corridor, it is 603
not subject to any liability imposed by chapter 376 or chapter 604
403 for preexisting soil or groundwater contamination due solely 605
to its ownership. This section does not affect the rights or 606
liabilities of any past or future owners of the acquired 607
property nor does it affect the liability of any governmental 608
entity for the results of its actions which create or exacerbate 609
a pollution source. The authority and the Department of 610
Environmental Protection may enter into interagency agreements 611
for the performance, funding, and reimbursement of the 612
investigative and remedial acts necessary for property acquired 613
by the authority. 614

343.87 Cooperation with other units, boards, agencies, 615
and individuals. --Express authority and power is hereby given 616
and granted any county, municipality, drainage district, road 617

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and bridge district, school district or any other political 618
subdivision, board, commission, or individual in, or of, the 619
state to make and enter into with the authority, contracts, 620
leases, conveyances, partnerships, or other agreements within 621
the provisions and purposes of this part. The authority is 622
hereby expressly authorized to make and enter into contracts, 623
leases, conveyances, partnerships, and other agreements with any 624
political subdivision, agency, or instrumentality of the state 625
and any and all federal agencies, corporations, and individuals, 626
for the purpose of carrying out the provisions of this part. 627
343.875 Public-Private Partnerships. -- 628

(1) The authority may receive or solicit proposals and 629
enter into agreements with private entities, or consortia 630
thereof, for the building, operation, ownership, or financing of 631
transportation facilities within the jurisdiction of the 632
authority. Before approval, the authority must determine that 633
a proposed project: 634

(a) Is in the public's best interest. 635

(b) Would not require state funds to be used unless the 636
project is on or provides increased mobility on the State 637
Highway System. 638

(c) Would have adequate safeguards to ensure that no 639
additional costs or service disruptions would be realized by the 640
traveling public and citizens of the state in the event of 641
default or the cancellation of the agreement by the authority. 642

(2) The authority shall ensure that all reasonable costs 643
to the state, related to transportation facilities that are not 644
part of the State Highway System, are borne by the private 645
entity. The authority also shall ensure that all reasonable 646
costs to the state and substantially affected local governments 647

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and utilities related to the private transportation facility are 648
borne by the private entity for transportation facilities that 649
are owned by private entities. For projects on the State Highway 650
System, the department may use state resources to participate in 651
funding and financing the project as provided for under the 652
department's enabling legislation. 653

(3) The authority may request proposals for public-private 654
transportation projects or, if it receives an unsolicited 655
proposal, it must publish a notice in the Florida Administrative 656
Weekly and a newspaper of general circulation in the county in 657
which it is located at least once a week for 2 weeks, stating 658
that it has received the proposal and will accept, for 60 days 659
after the initial date of publication, other proposals for the 660
same project purpose. A copy of the notice must be mailed to 661
each local government in the affected areas. After the public 662
notification period has expired, the authority shall rank the 663
proposals in order of preference. In ranking the proposals, the 664
authority shall consider professional qualifications, general 665
business terms, innovative engineering or cost-reduction terms, 666
finance plans, and the need for state funds to deliver the 667
proposal. If the authority is not satisfied with the results of 668
the negotiations, it may, at its sole discretion, terminate 669
negotiations with the proposer. If these negotiations are 670
unsuccessful, the authority may go to the second and lower- 671
ranked firms, in order, using the same procedure. If only one 672
proposal is received, the authority may negotiate in good faith, 673
and if it is not satisfied with the results, it may, at its sole 674

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discretion, terminate negotiations with the proposer. 675
Notwithstanding this subsection the authority may, at its 676

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discretion, reject all proposals at any point in the process up 677
to completion of a contract with the proposer. 678

(4) Agreements entered into pursuant to this subsection 679
may authorize the public-private entity to impose tolls or fares 680
for the use of the facility. However, the amount and use of toll 681
or fare revenues shall be regulated by the authority to avoid 682
unreasonable costs to users of the facility. 683

(5) Each public-private transportation facility 684
constructed pursuant to this subsection shall comply with all 685
requirements of federal, state, and local laws; state, regional, 686
and local comprehensive plans; the authority's rules, policies, 687
procedures, and standards for transportation facilities; and any 688
other conditions that the authority determines to be in the 689
public's best interest. 690

(g) The authority may exercise any power possessed by it, 691
including eminent domain, to facilitate the development and 692
construction of transportation projects pursuant to this 693
section. The authority may pay all or part of the cost of 694
operating and maintaining the facility or may provide services 695
to the private entity for which it receives full or partial 696
reimbursement for services rendered. 697

(h) Except as herein provided, this section is not 698
intended to amend existing laws by granting additional powers to 699
or further restricting the governmental entities from regulating 700
and entering into cooperative arrangements with the private 701
sector for the planning, construction, and operation of 702
transportation facilities. 703

(6) The authority is authorized to adopt rules to implement 704
this section and shall, by rule, establish an application fee 705
for the submission of unsolicited proposals under this section. 706

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The fee must be sufficient to pay the costs of evaluating the 707
proposals. 708

343.88 Covenant of the state.--The state does hereby 709
pledge to, and agrees, with any person, firm or corporation, or 710
federal or state agency subscribing to, or acquiring the bonds 711
to be issued by the authority for the purposes of this part that 712
the state will not limit or alter the rights hereby vested in 713
the authority and the department until all bonds at any time 714
issued, together with the interest thereon, are fully paid and 715
discharged insofar as the same affects the rights of the holders 716
of bonds issued hereunder. The state does further pledge to, and 717
agree, with the United States that in the event any federal 718
agency shall construct or contribute any funds for the 719
completion, extension or improvement of the System, or any part 720
or portion thereof, the state will not alter or limit the rights 721
and powers of the authority and the department in any manner 722
which would be inconsistent with the continued maintenance and 723
operation of the System or the completion, extension or 724
improvement thereof, or which would be inconsistent with the due 725

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performance of any agreements between the authority and any such 726
federal agency, and the authority and the department shall 727
continue to have and may exercise all powers herein granted, so 728
long as the same shall be necessary or desirable for the 729
carrying out of the purposes of this part and the purposes of 730
the United States in the completion, extension or improvement of 731
the System, or any part or portion thereof. 732
343.881 Exemption from taxation. --The effectuation of the 733
authorized purposes of the authority created under this part is, 734
shall and will be, in all respects for the benefit of the people 735
of the state, for the increase of their commerce and prosperity, 736

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and for the improvement of their health and living conditions, 737
and since such authority will be performing essential 738
governmental functions in effectuating such purposes, such 739
authority shall not be required to pay any taxes or assessments 740
of any kind or nature whatsoever upon any property acquired or 741
used by it for such purposes, or upon any rates, fees, rentals, 742
receipts, income or charges at any time received by it, and the 743
bonds issued by the authority, their transfer and the income 744
therefrom, including any profits made on the sale thereof shall 745
at all times be free from taxation of any kind by the state, or 746
by any political subdivision, or taxing agency or 747
instrumentality thereof. The exemption granted by this section 748
shall not be applicable to any tax imposed by chapter 220 on 749
interest, income, or profits on debt obligations owned by 750
corporations. 751

343.884 Eligibility for investments and security. --Any 752
bonds or other obligations issued pursuant to this part shall be 753
and constitute legal investments for banks, savings banks, 754
trustees, executors, administrators, and all other fiduciaries, 755
and for all state, municipal and other public funds and shall 756
also be and constitute securities eligible for deposit as 757
security for all state, municipal or other public funds, 758
notwithstanding the provisions of any other law or laws to the 759
contrary. 760

343.885 Pledges enforceable by bondholders. --It is the 761
express intention of this part that any pledge by the department 762
of rates, fees, revenues, or other funds, as rentals, to the 763
authority, or any covenants or agreements relative thereto may 764
be enforceable in any court of competent jurisdiction against 765

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the authority or directly against the department by any holder 766
of bonds issued by the authority. 767

343.89_ This part complete and additional authority. -- 768
(1) The powers conferred by this part shall be in addition 769
and supplemental to the existing powers of said board and the 770
department, and this part shall not be construed as repealing 771
any of the provisions, of any other law, general, special or 772
local, but to supersede such other laws in the exercise of the 773
powers provided in this part, and to provide a complete method 774
for the exercise of the powers granted in this part. The 775
extension and improvement of the System, and the issuance of 776

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bonds hereunder to finance all or part of the cost thereof, may 777
be accomplished upon compliance with the provisions of this part 778
without regard to or necessity for compliance with the 779
provisions, limitations, or restrictions contained in any other 780
general, special or local law, including, but not limited to, s. 781
215.821, and no approval of any bonds issued under this part by 782
the qualified electors or qualified electors who are freeholders 783
in the state or in any other political subdivision of the state, 784
shall be required for the issuance of such bonds pursuant to 785
this part. 786
(2) This part shall not be deemed to repeal, rescind or 787
modify any other law relating to the State Board of 788
Administration, the Department of Transportation, or the 789
Division of Bond Finance of the State Board of Administration, 790
but shall be deemed to and shall supersede such other laws as 791
are inconsistent with the provisions of this part, including, 792
but not limited to, s. 215.821. 793
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===== T I T L E A M E N D M E N T ===== 796

On line(s) 57 after the semicolon insert: 797

798

creating Part IV of chapter 343, Florida Statutes, titled the 799
"Northwest Florida Corridor Authority" and consisting of 800
sections 343.80, 343.805, 343.81, 343.82, 343.83, 343.835, 801
343.836, 343.837, 343.84, 343.85, 343.87, 343.875, 343.88, 802
343.881, 343.884, 343.885, and 343.89; providing a popular name; 803
providing definitions; creating the Northwest Florida Corridor 804
Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, 805
Bay, Gulf, Franklin, and Wakulla counties; providing for a 806
governing body of the authority; providing for membership; 807
providing purposes and powers; requiring a master plan; 808
providing for the U.S. 98 Corridor System; specifying no tolls 809
on existing highways and other transportation facilities within 810
the corridor; providing for procurement; providing bond 811
financing authority for improvements; providing for bonds of the 812
authority; providing for fiscal agents; providing that the State 813
Board of Administration may act as fiscal agent; providing for 814
certain financial agreements; providing for a lease-purchase 815
agreement with the Department of Transportation; providing the 816
department may be appointed agent of authority for construction; 817
providing for acquisition of lands and property; providing for 818
cooperation with other units, boards, agencies, and individuals; 819
providing covenant of the state; providing for exemption from 820
taxation; providing for eligibility for investments and 821
security; providing pledges shall be enforceable by bondholders; 822
providing for complete and additional statutory authority for 823
the department and other state agencies; 824